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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,455	03/10/2004	Mary Ann Alvin	2004P02559US	4433
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830		EXAMINER YOUNG, NATASHA E		
		ART UNIT 1797		
		MAIL DATE 08/06/2008		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,455

Applicant(s)

ALVIN ET AL.

Examiner

NATASHA YOUNG

Art Unit

1797

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-12, 14, 16, 18-22 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12, 14, 16, 18-22, 24-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 5-6, 9-12, 14, 16, 18, 20-21, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polinski et al (US 4,270,896) in view of Retallick et al

(US 5,202,303), Fay, III et al (US 6,040,266), Dalla Betta et al (US 5,183,401), and Hitachi et al (US 5,110,561).

Regarding claim 1, Polinski et al discloses a catalyst system comprising a first catalytic stage (20) comprising a ceramic (zircon-mullite) catalyst support (see column 7, lines 20-44) and receiving an oxidizer and a fuel (see figure 1) and discharging a partially oxidized fuel/oxidizer mixture; a second catalytic stage (26) comprising a ceramic (zircon-mullite) catalyst support (see column 7, line 60 through column 8, line 7) disposed within a pressure boundary (30, wall of structure) defining a pressure boundary cross-sectional flow area, the catalyst support receiving a first portion of the mixture, and the second catalytic stage having an outlet temperature elevated sufficiently to completely oxidize without using a separate ignition source (see column 3, line 53 through column 4, line 19); and a transition stage disposed between the first catalytic stage and the second catalytic stage (38a-b), the transition stage comprises a narrowed flow area region disposed between an inlet and receiving the partially oxidized fuel/oxidizer mixture from the first catalytic stage and an outlet end discharging partially oxidized fuel/oxidizer mixture into the second catalytic stage, wherein the narrowed flow area region of the transition stage has a narrower flow area than each of the first catalytic stage and the second catalytic stage (see figures 3a-b).

Polinski et al does not disclose a metallic catalyst support for the first catalytic stage and a ceramic reticulated foam catalyst support for the second catalytic stage, a bypass passageway for allowing second portion of the mixture to bypass the foam catalyst support of the second catalytic stage, and an oxidation completion stage

disposed downstream of the second catalytic stage for recombining the first and second portions of the mixture and completing oxidation of the mixture.

Retallick et al discloses a metallic catalyst support for the first catalytic stage (see column 2, line 58 through column 3, line 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Retallick et al, since ceramic supports are likely to shatter due to thermal shock (see Retallick et al column 1, lines 61-63).

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay, III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Hitachi et al discloses a honeycomb core body with a hollow space (see column 2, line 52 through column 3, line 24 and figure 1-3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Hitachi et al such that the second catalytic stage would consist the annular ring of honeycomb material (22b) throughout creating a bypass passageway for protection

Art Unit: 1797

from being heated to abnormally high temperatures around the center (see Hitachi et al column 3, lines 13-24).

Dalla Betta et al discloses that a homogeneous combustion zone does not need to be large since the gas residence time in the zone normally should not be more than about eleven or twelve milliseconds to achieve substantially complete combustion (see column 13, lines 21-26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Dalla Betta et al to incorporate a homogeneous combustion zone (or oxidation completion stage) to ensure the gas that exits the second catalytic stage is in condition suitable for subsequent use, i.e., no NOx (see Dalla Betta et al column 12, line 66 through column 13, line 10).

Claims 5 and 34 depend on claims 1 such that the reasoning used to reject claim 1 will be used to reject the dependent portions of the claims.

Regarding claim 5, Polinski et al discloses a donut-shaped cross-section (see figure 2).

Polinski et al does not disclose a ceramic reticulated foam support.

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay, III et al such that the second catalytic stage comprises a foam catalyst support because

it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Regarding claim 34, Polinski et al discloses that the catalyst system is constricted at element 38a and baffles 39 are provided to reduce radiant heat (see column 5, lines 36-46), which results in substantially limiting combustion of the partially oxidized fuel/oxidizer mixture from the first catalytic stage.

Regarding claim 6, Polinski et al discloses a catalyst system comprising a first catalytic stage (20) receiving an oxidizer and a fuel (see figure 1) receiving the partially oxidized fuel/oxidizer mixture, and the second catalytic stage having an outlet temperature elevated sufficiently to completely oxidize without using a separate ignition source and the second catalytic stage further comprises a plurality of separate catalytic elements disposed along a flow axis of the combustor (see column 3, line 53 through column 4, line 19 and figure 2).

Polinski et al does not disclose a bypass passageway for allowing second portion of the mixture to bypass the foam catalyst support of the second catalytic stage; the second catalytic stage further comprises a plurality of separate catalytic elements disposed along a flow axis of the combustor, each of the plurality of separate catalytic elements comprises an identical cross-section and being axially rotated about the flow axis with respect to an adjacent catalytic element effective to cause mixing of a flow about the flow axis; and an oxidation completion stage disposed downstream of the second catalytic stage for recombining the first and second portions of the mixture and completing oxidation of the mixture.

Retallick et al discloses a metallic catalyst support for the first catalytic stage and second catalytic stage (see column 2, line 58 through column 3, line 3 and column 7, line 45 through column 8, line 10) and a catalyst support being axially rotated about the flow axis with respect to an adjacent catalytic element (ignition stage reactor) effective to cause mixing of a flow about the flow axis (see column 5, lines 25-35 and figures 4 and 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Retallick et al, since ceramic supports are likely to shatter due to thermal shock (see Retallick et al column 1, lines 61-63).

Hitachi et al discloses a honeycomb core body with a hollow space (see column 2, line 52 through column 3, line 24 and figure 1-3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teachings of Polinski et al and Retallick et al with the teachings of Hitachi et al such that the second catalytic stage would consist the annular ring of honeycomb material (22b) throughout creating a bypass passageway for protection from being heated to abnormally high temperatures around the center (see Hitachi et al column 3, lines 13-24).

Dalla Betta et al discloses that a homogeneous combustion zone does not need to be large since the gas residence time in the zone normally should not be more than about eleven or twelve milliseconds to achieve substantially complete combustion (see column 13, lines 21-26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teachings of Polinski et al and Retallick et al with the teachings of Dalla Betta et al to incorporate a homogeneous combustion zone (or oxidation completion stage) to ensure the gas that exits the second catalytic stage is in condition suitable for subsequent use, i.e., no NOx (see Dalla Betta et al column 12, line 66 through column 13, line 10).

Claims 9-12, 14, 16, 18-22 and 35 depend on claims 6 such that the reasoning used to reject claim 6 will be used to reject the dependent portions of the claims.

Regarding claim 9, Polinski et al does not disclose wherein the second catalytic stage further comprises a first region comprising a first catalytic material, and a second region disposed downstream of the first region and comprising a second catalytic material different from the first catalytic material.

Dalla Betta et al discloses the second catalytic stage further comprises a first region comprising a first catalytic material, and a second region disposed downstream of the first region and comprising a second catalytic material different from the first catalytic material (see column 10, 2nd and 4th paragraphs).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Dalla Betta et al to incorporate a homogeneous combustion zone (or oxidation completion stage) to ensure the gas that exits the second catalytic stage is in condition suitable for subsequent use, i.e., no NOx (see Dalla Betta et al column 12, line 66 through column 13, line 10).

Regarding claim 10, Polinski et al does not disclose a first catalytic material disposed on a metallic support in the first catalytic stage; and a second catalytic material, different from the first catalytic material, disposed on a ceramic support in the second catalytic stage.

Polinski et al discloses a ceramic support for the second catalytic stage (see column 7, line 61 through column 8, line 7).

Retallick et al discloses a metallic catalyst support for the first catalytic stage (see column 2, line 58 through column 3, line 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Retallick et al, since ceramic supports are likely to shatter due to thermal shock (see Retallick et al column 1, lines 61-63).

Dalla Betta et al discloses the second catalytic stage further comprises a first region comprising a first catalytic material, and a second region disposed downstream of the first region and comprising a second catalytic material different from the first catalytic material (see column 10, 2nd and 4th paragraphs).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teachings of Polinski et al and Retallick et al with the teachings of Dalla Betta et al to incorporate a homogeneous combustion zone (or oxidation completion stage) to ensure the gas that exits the second catalytic stage is in condition suitable for subsequent use, i.e., no NOx (see Dalla Betta et al column 12, line 66 through column 13, line 10).

Regarding claim 11, Polinski et al does not disclose the second catalytic stage further comprises a metallic support comprising a metal alloy selected from the group consisting of molybdenum disilicide, iron-chromium-aluminum, and iron aluminide.

Retallick et al discloses a metallic support in the first catalytic stage and second catalytic stage (see column 2, line 58 through column 3, line 3 and column 6, line 45 through column 7, line 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Retallick et al, since ceramic supports are likely to shatter due to thermal shock (see Retallick et al column 1, lines 61-63).

Hitachi et al discloses a metallic support comprising a metal alloy selected from the group consisting of molybdenum disilicide, iron-chromium-aluminum, and iron aluminide (see column 4, lines 21-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teachings of Polinski et al and Retallick et al with the teachings of Hitachi et al to utilize the heat-resistant quality of iron-chromium-aluminum.

Regarding claim 12, Polinski et al does not disclose the second catalytic stage further comprises a catalytic material disposed on a ceramic reticulated foam catalyst support.

Polinski et al discloses the second catalytic stage comprising a catalytic material disposed on the ceramic catalyst support (see column 7, line 61 through column 8, line 7).

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay, III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Regarding claim 14, Polinski et al does not disclose the separate catalytic elements comprise ceramic reticulated foam catalyst supports comprising different pore size grades.

Fay, III discloses that a ceramic reticulated foam support can be used instead of a metallic support in an exhaust system (see column 3, lines 18-25). The ceramic structure is porous with pore densities from 10-1000 ppi (see column 4, line 46 and lines 51-54), which implies different pore size grades.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teaching of Fay, III et al because reticulated ceramic foam catalyst supports are capable of extended high temperature operation and provides for both exhaust conversion and sound suppression in the same unit (see Fay, III et al column 3, lines 57-62).

Regarding claim 16, neither Polinski et al nor Retallick discloses the separate catalytic elements comprise different catalytic materials.

Dalla Betta et al discloses the separate catalytic elements comprise different catalytic material (see column 10, 2nd paragraph and column 11, 2nd and 4th paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Polinski et al and Retallick et al with the teachings of Dalla Betta et al to produce working gas which contains substantially no NOx and is at a temperature comparable to normal combustion process without shortening the useful life of the catalyst and its support (see column 14, lines 5-12).

Regarding claim 18, Polinski et al discloses each catalytic element is spaced apart from an adjacent catalytic element along the flow axis (see figure 2).

Regarding claim 20, Polinski et al discloses a disk (24) in the second catalytic stage (see figure 2).

Polinski et al does not disclose the second catalytic stage further comprises a plurality of catalytic material coated plates defining longitudinal passageways.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have multiple disks (24) or multiple sets of the disk (24) and annular ring (22), since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art (see MPEP 2144.04 (VI-B)).

Regarding claim 21, Polinski et al discloses the second catalytic stage further comprises a catalyst support selected from the group consisting of a honeycomb structure, a tower packing structure, and a packed particle structure (see figures 1-2).

Regarding claim 35, Polinski et al discloses that the catalyst system is constricted at element 38a and baffles 39 are provided to reduce radiant heat (see column 5, lines 36-46), which results in substantially limiting combustion of the partially oxidized fuel/oxidizer mixture from the first catalytic stage.

Claims 24-26, 29, 31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polinski et al (US 4,270,896) in view of Retallick et al (US 5,202,303), Fay, III et al (US 6,040,266), Dalla Betta et al (US 5,183,401), Hitachi et al (US 5,110,561), and Butler et al (RMRS-RP-9).

Regarding claim 24, Polinski et al discloses catalyst system comprising: an upstream pressure boundary (20) comprising a catalytic surface disposed therein for receiving a fuel/oxidizer mixture (see figure 1) and discharging a partially oxidized fuel/oxidizer mixture; a downstream pressure boundary (26) defining a pressure boundary cross-sectional flow area for receiving the partially oxidized fuel/oxidizer mixture; a ceramic catalyst support disposed within the second pressure boundary for receiving a first portion of the mixture (see column 7, line 60 through column 8, line 7); and a transition pressure boundary (38a-b) disposed between the upstream pressure boundary and the downstream pressure boundary, the transition pressure boundary comprising a narrowed flow area region (see figure 3a-b) effective to generate a venturi effect disposed between an inlet end receiving the oxidized fuel/oxidizer mixture from

the upstream pressure boundary and an outlet end discharging the partially oxidized fuel/oxidizer mixture into the downstream pressure boundary, wherein the transition pressure boundary is configured to substantially limit combustion of the partially oxidized fuel/oxidizer mixture from the upstream pressure boundary.

Butler et al defines the Venturi effect as the increase in velocity of a stream of gas or liquid as it passes from one area through another area of smaller size or diameter, since Polinski et al discloses a stream of gas or liquid as it passes from one area through another area of smaller size or diameter that the transition stage to the second catalytic stage generates a venture effect.

Polinski et al does not disclose a catalyst-coated reticulated foam support and presenting a support cross-sectional flow area less than the second pressure boundary cross- sectional flow area to define a bypass passageway for allowing a second portion of the fuel/oxidizer mixture to bypass the foam support.

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay, III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Hitachi et al discloses a honeycomb core body with a hollow space (see column 2, line 52 through column 3, line 24 and figure 1-3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Hitachi et al such that the second catalytic stage would consist the annular ring of honeycomb material (22b) throughout creating a bypass passageway for protection from being heated to abnormally high temperatures around the center (see Hitachi et al column 3, lines 13-24).

Claims 25-26, 29, 31, and 36 depend on claims 24 such that the reasoning used to reject claim 24 will be used to reject the dependent portions of the claims.

Regarding claim 25, Polinski et al does not disclose a catalytic combustor wherein the reticulated foam support comprises a cross-section sized to bypass from 25% to 80% of the mixture past the foam support element.

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay, III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Hitachi et al discloses a honeycomb core body with a hollow space (see column 2, line 52 through column 3, line 24 and figure 1-3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teachings of Polinski et al and Fay, III et al

with the teachings of Hitachi et al such that the second catalytic stage would consist the annular ring of honeycomb material (22b) throughout creating a bypass passageway for protection from being heated to abnormally high temperatures around the center (see Hitachi et al column 3, lines 13-24).

Fay, III et al nor Hitachi et al disclose a catalytic combustor wherein the reticulated foam support comprises a cross-section sized to bypass from 25% to 80% of the mixture past the foam support element.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a cross-section sized to bypass from 25% to 80% of the mixture past the foam support element, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art (see MPEP 2144.05 (II-A)).

Regarding claim 26, Polinski et al discloses a catalytic system wherein the reticulated foam support defines a plurality of separate passageways within the pressure boundary (see figure 2).

Regarding claim 29, Polinski et al discloses a donut-shaped cross-section (see figure 2).

Polinski et al does not disclose a ceramic reticulated foam support.

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay,

III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Regarding claim 31, Polinski et al discloses a ceramic catalyst support (see column 7, line 61 through column 8, line 7).

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay, III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Regarding claim 36, Polinski et al discloses a transition pressure boundary disposed between the upstream pressure boundary and the downstream pressure boundary disposed between an inlet end receiving the partially oxidized fuel/oxidizer mixture from the upstream pressure boundary and an outlet end discharging the partially oxidized fuel/oxidizer mixture into the downstream pressure boundary (see column 7, line 60 through column 8, line 7); and a transition pressure boundary (38a-b) disposed between the upstream pressure boundary and the downstream pressure boundary, the transition pressure boundary comprising a narrowed flow area region (see figure 3a-b) effective to generate a venturi effect disposed between an inlet end receiving the oxidized fuel/oxidizer mixture from the upstream pressure boundary

and an outlet end discharging the partially oxidized fuel/oxidizer mixture into the downstream pressure boundary, wherein the transition pressure boundary is configured to substantially limit combustion of the partially oxidized fuel/oxidizer mixture from the upstream pressure boundary.

Butler et al defines the Venturi effect as the increase in velocity of a stream of gas or liquid as it passes from one area through another area of smaller size or diameter, since Polinski et al discloses a stream of gas or liquid as it passes from one area through another area of smaller size or diameter that the transition stage to the second catalytic stage generates a venture effect.

Claims 2, 8, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polinski et al (US 4,270,896), Retallick et al (US 5,202,303), Fay, III et al (US 6,040,266), Dalla Betta et al (US 5,183,401), and Hitachi et al (US 5,110,561) as applied to claims 1 and 6 above, and further in view of Spadaccini et al (US 5,207,053).

Claim 2 depends on claim 1 such that the reasoning used to reject claim 1 will be used to reject the dependent portions of the claim.

Claims 8 and 22 depend on claim 6 such that the reasoning used to reject claim 6 will be used to reject the dependent portions of the claims.

Regarding claims 2 and 8, Polinski et al does not disclose a catalytic combustor wherein the second catalytic stage further comprises a catalytic material selected from the group consisting of perovskite, zeolite, and hexaaluminate.

Spadaccini et al discloses that catalysts used for combustion of fuel for turbine include precious metal catalyst such as platinum and palladium and zeolites (see column 5, lines 3-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Spadaccini et al to benefit from the properties of the zeolites including more reactive and produce more unsaturated products than precious metal catalysts (see Spadaccini et al column 5, lines 30-33).

Regarding claim 22, Polinski et al does not disclose a combustor wherein the first catalytic stage comprises a rich catalytic stage.

Spadaccini et al discloses that in a rich catalytic stage thermal energy is transferred from a heat source to an endothermic decomposition catalyst, thereby cooling the heat source and heating the catalyst to a temperature sufficient to endothermically decompose an endothermic fuel (see column 3, lines 1-20).

Polinski et al discloses a catalyst system which using cooling air to cool the first catalytic stage (see figure 2) and different catalyst compositions in each of the catalyst portions may be used (see column 6, lines 56-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use heated air to heat the first catalytic stage such that a staged rich/lean combustion system may be constructed, since it was known in the art that if a stage can be cooled it can also be heated.

Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polinski et al (US 4,270,896), Retallick et al (US 5,202,303), Fay, III et al (US 6,040,266), Dalla Betta et al (US 5,183,401), and Hitachi et al (US 5,110,561) as applied to claims 1 and 6 above, and further in view of Lywood et al (US 5,228,847).

Claim 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polinski et al (US 4,270,896), Retallick et al (US 5,202,303), Fay, III et al (US 6,040,266), Dalla Betta et al (US 5,183,401), Hitachi et al (US 5,110,561), and Butler et al (RMRS-RP-9) as applied to claim 24 above, and further in view of Lywood et al (US 5,228,847).

Claim 3 depends on claim 1 such that the reasoning used to reject claim 1 will be used to reject the dependent portions of the claim.

Claim 19 depends on claim 6 such that the reasoning used to reject claim 6 will be used to reject the dependent portions of the claim.

Claim 30 depends on claim 24 such that the reasoning used to reject claim 24 will be used to reject the dependent portions of the claim.

Regarding claim 3, Polinski et al does not disclose the bypass passageway is disposed around a portion of a perimeter of the ceramic reticulated foam catalytic support.

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay,

III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Hitachi et al discloses a honeycomb core body with a hollow space (see column 2, line 52 through column 3, line 24 and figure 1-3) such a bypass passageway is disposed around a portion of a perimeter of the ceramic reticulated foam catalytic support.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Hitachi et al such that the second catalytic stage would consist the annular ring of honeycomb material (22b) throughout creating a bypass passageway for protection from being heated to abnormally high temperatures around the center (see Hitachi et al column 3, lines 13-24).

Lywood et al discloses using a catalyst body, which provides outer annular bypass regions (see column 7, lines 25-32 and figures 1 and 3), thus providing a bypass passageway disposed around a perimeter of the foam support as claimed.

It would have been obvious to one having ordinary skill in the art at time the invention was made to modify the combined teachings of Polinski et al, Fay, III et al, and Hitachi et al with the teachings of Lywood et al to eliminate the need for high activity catalysts (see column 3, lines 1-3).

Regarding claim 19, Polinski et al does not disclose a combustor wherein the second catalytic stage further comprises a tubular catalyst support coated with a catalytic material on an outside surface and an inside surface.

However, Polinski et al discloses a hollow disk (see figure 2) and immersed in a 25% Na_2PdCl_4 solution (see column 7, lines 22-44).

Hitachi et al discloses a honeycomb core body with a hollow space (see column 2, line 52 through column 3, line 24 and figure 1-3) such the second catalytic stage comprises a tubular catalyst support.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Hitachi et al such that the second catalytic stage coated with a catalytic material on an outside surface and an inside surface creating a bypass passageway for protection from being heated to abnormally high temperatures around the center (see Hitachi et al column 3, lines 13-24).

Lywood et al discloses using a catalyst body, which provides outer annular bypass regions (see column 7, lines 25-32 and figures 1 and 3), thus providing a bypass passageway disposed around a perimeter of the foam support as claimed.

It would have been obvious to one having ordinary skill in the art at time the invention was made to modify the combined teachings of Polinski et al and Hitachi et al with the teachings of Lywood et al to eliminate the need for high activity catalysts (see column 3, lines 1-3).

Regarding claim 30, Polinski et al does not disclose a catalytic combustor wherein the reticulated foam support comprises a cross-section perimeter smaller than an internal perimeter of the pressure boundary, the foam support supported against the internal perimeter by spaced apart standoffs comprising the reticulated foam support.

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay, III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Hitachi et al discloses a honeycomb core body with a hollow space (see column 2, line 52 through column 3, line 24 and figure 1-3) such the reticulated foam support comprises a cross-section perimeter smaller than an internal perimeter of the pressure boundary.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Hitachi et al such that the second catalytic stage would consist the annular ring of honeycomb material (22b) throughout creating a bypass passageway for protection from being heated to abnormally high temperatures around the center (see Hitachi et al column 3, lines 13-24).

Lywood et al discloses using a catalyst body, which provides outer annular bypass regions (see column 7, lines 25-32 and figure 3), thus providing a cross-section perimeter smaller than an internal perimeter of the pressure boundary, the foam support supported against the internal perimeter by spaced apart standoffs (39).

It would have been obvious to one having ordinary skill in the art at time the invention was made to modify the combined teachings of Polinski et al, Fay, III et al, and Hitachi et al with the teachings of Lywood et al to eliminate the need for high activity catalysts (see column 3, lines 1-3).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polinski et al (US 4,270,896), Retallick et al (US 5,202,303), Fay, III et al (US 6,040,266), Dalla Betta et al (US 5,183,401), and Hitachi et al (US 5,110,561) as applied to claims 1 and 6 above, and further in view of Steenackers et al (US 5,645,803).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polinski et al (US 4,270,896), Retallick et al (US 5,202,303), Fay, III et al (US 6,040,266), Dalla Betta et al (US 5,183,401), Hitachi et al (US 5,110,561), and Butler et al (RMRS-RP-9) as applied to claim 24 above, and further in view of Steenackers et al (US 5,645,803).

Claim 4 depends on claim 1 such that the reasoning used to reject claim 1 will be used to reject the dependent portions of the claim.

Claim 28 depends on claim 6 such that the reasoning used to reject claim 6 will be used to reject the dependent portions of the claim.

Regarding claims 4 and 28, Polinski et al does not disclose a catalytic combustor wherein the ceramic reticulated foam catalytic support comprises a cruciform cross-section.

However, Polinski et al discloses ceramic honeycomb catalyst support (see Figure 2 and column 7, line 20 through column 8, line 7).

Fay, III et al discloses the use of reticulated ceramic foam catalyst supports (see column 3, lines 18-25 and column 4, lines 4-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Fay, III et al such that the second catalytic stage comprises a foam catalyst support because it can be manufactured at low cost and provides high conversion efficiency and temperature stability (see Fay, III et al column 3, lines 18-25).

Steenackers et al discloses cruciform-shaped honeycomb structure made from metal sheets (see Abstract and figures 16-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teachings of Polinski et al and Fay, III et al with the teachings of Steenackers et al to construct bypass passageways for allowing a portion of the fuel-air mixture to bypass the foam catalytic support of the second catalytic stage.

Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polinski et al (US 4,270,896), Retallick et al (US 5,202,303), Fay, III et al (US

6,040,266), Dalla Betta et al (US 5,183,401), and Hitachi et al (US 5,110,561) as applied to claims 1 and 6 above, and further in view of Butler et al (RMRS-RP-9).

Claim 32 depends on claim 1 such that the reasoning used to reject claim 1 will be used to reject the dependent portions of the claim.

Claim 33 depends on claim 6 such that the reasoning used to reject claim 6 will be used to reject the dependent portions of the claim.

Regarding claims 32-33, Polinski et al discloses a catalyst system comprising a narrowed flow region.

Butler et al defines the Venturi effect as the increase in velocity of a stream of gas or liquid as it passes from one area through another area of smaller size or diameter, since Polinski et al discloses a stream of gas or liquid as it passes from one area through another area of smaller size or diameter that the transition stage to the second catalytic stage generates a venture effect.

Response to Arguments

Applicant's arguments filed May 6, 2008 have been fully considered but they are not persuasive.

Although Polinski et al discloses means of dissipating the heat such that not only is the upstream portion of the catalyst protected against excessive temperatures, but unique advantages are realized, for example, the ability to construct the two portions of the catalyst system from different catalyst compositions and/or different catalyst substrates in order to obtain and maintain a low ignition temperature and to maximize

Art Unit: 1797

the efficiency and operation of the catalyst system at minimum cost (see column 4, lines 34-59).

Dalla Betta et al discloses the homogeneous combustion zone need not be large (see column 13, lines 21-26) and the table shows calculated homogenous combustion times as a function of the inlet temperatures and pressures.

Polinski et al discloses exit temperatures were kept greater than 1000°C with a fuel to air ratio of 0.042 (see column 8, lines 20-29) and claim 8 discloses a pressure of at least four to five atmospheres such that the time in the homogeneous oxidation completion stage would be less than 6.5 milliseconds.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Polinski et al with the teachings of Dalla Betta et al to incorporate a homogeneous combustion zone (or oxidation completion stage) to ensure the gas that exits the second catalytic stage is in condition suitable for subsequent use, i.e., no NOx (see Dalla Betta et al column 12, line 66 through column 13, line 10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATASHA YOUNG whose telephone number is (571)270-3163. The examiner can normally be reached on Mon-Thurs 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1797

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NY

/Glenn A Caldarola/
Acting SPE of Art Unit 1797